

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GENLYTE THOMAS GROUP LLC,

Plaintiff,

v.

ARCH LIGHTING GROUP, INC. d/b/a
ARCHITECTURAL LIGHTING SYSTEMS

Defendant.

Civil Action No. 05-CV-10945-WGY

**PLAINTIFF'S MOTION FOR LEAVE TO FILE A REPLY
TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO ENFORCE
SUPERSEDEAS BOND**

Plaintiff Genlyte Thomas Group LLC (“Genlyte”) moves the Court for leave to file a Reply to Defendant’s Opposition to Plaintiff’s Motion to Enforce Supersedeas Bond. As grounds for this motion, Genlyte states that Defendant, Arch Lighting Group (“ALS”), in its Opposition asserts a position directly contrary to law. ALS claims that enforcement of the bond is premature because ALS still has the opportunity to file a petition for writ of certiorari with United States Supreme Court. The issue raised by ALS is irrelevant to Genlyte’s motion and is misleading because it ignores the following law:

- (1) Upon issuance of the Federal Circuit’s mandate, this Court regains jurisdiction to enforce the judgment, but loses power to stay the judgment; and
- (2) Only the Federal Circuit or the United States Supreme Court has the power to stay the enforcement of the court of appeal’s judgment.

Consequently, with the issuance of the mandate the prior stay issued by this Court is dissolved and the Court has jurisdiction for enforcing the judgment.

Therefore, to address the misleading position asserted by ALS, Genlyte respectfully requests the Court to enter the tendered Order granting Genlyte's Motion for Leave and ordering Genlyte's Reply to its Motion to Enforce Supersedeas Bond, submitted herewith, filed of record.

Respectfully submitted,

/s/ Kevin Gannon

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Counsel for Plaintiff, Genlyte Thomas Group LLC

Certificate of Service

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this 7th day of July, 2008.

/s/ Kevin Gannon

Counsel for Plaintiff, Genlyte Thomas Group LLC

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Civil Action No. 05-CV-10945-WGY

**[Proposed] ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE A
REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO ENFORCE
SUPERSEDEAS BOND**

Upon Motion of Plaintiff, Genlyte Thomas Group LLC (“Genlyte”), for leave to file a Reply to Defendant’s Opposition to Plaintiff’s Motion to Enforce Supersedeas Bond (“Genlyte’s Motion”), and the Court being otherwise duly and sufficiently advised,

IT IS HEREBY ORDERED AND ADJUDGED that Genlyte’s Motion be, and it hereby is, GRANTED; and

IT IS HEREBY ORDERED that Genlyte’s Reply to Defendant’s Opposition to Plaintiff’s Motion to Enforce Supersedeas Bond be, and hereby is, filed of record.

SO ORDERED this ____ day of _____, 2008.

William G. Young, U. S. D. J.